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LRB094 08665 RXD 42247 a

1 AMENDMENT TO HOUSE BILL 2432

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2432 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 11-9.3 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex  
8 offenders prohibited.

9 (a) It is unlawful for a child sex offender to knowingly be  
10 present in any school building, on real property comprising any  
11 school, or in any conveyance owned, leased, or contracted by a  
12 school to transport students to or from school or a school  
13 related activity when persons under the age of 18 are present  
14 in the building, on the grounds or in the conveyance, unless  
15 the offender is a parent or guardian of a student present in  
16 the building, on the grounds or in the conveyance or unless the  
17 offender has permission to be present from the superintendent  
18 or the school board or in the case of a private school from the  
19 principal. In the case of a public school, if permission is  
20 granted, the superintendent or school board president must  
21 inform the principal of the school where the sex offender will  
22 be present. Notification includes the nature of the sex  
23 offender's visit and the hours in which the sex offender will  
24 be present in the school. The sex offender is responsible for

1 notifying the principal's office when he or she arrives on  
2 school property and when he or she departs from school  
3 property. If the sex offender is to be present in the vicinity  
4 of children, the sex offender has the duty to remain under the  
5 direct supervision of a school official. A child sex offender  
6 who violates this provision is guilty of a Class 4 felony.

7 (1) (Blank; or)

8 (2) (Blank.)

9 (b) It is unlawful for a child sex offender to knowingly  
10 loiter on a public way within 500 feet of a school building or  
11 real property comprising any school while persons under the age  
12 of 18 are present in the building or on the grounds, unless the  
13 offender is a parent or guardian of a student present in the  
14 building or on the grounds or has permission to be present from  
15 the superintendent or the school board or in the case of a  
16 private school from the principal. In the case of a public  
17 school, if permission is granted, the superintendent or school  
18 board president must inform the principal of the school where  
19 the sex offender will be present. Notification includes the  
20 nature of the sex offender's visit and the hours in which the  
21 sex offender will be present in the school. The sex offender is  
22 responsible for notifying the principal's office when he or she  
23 arrives on school property and when he or she departs from  
24 school property. If the sex offender is to be present in the  
25 vicinity of children, the sex offender has the duty to remain  
26 under the direct supervision of a school official. A child sex  
27 offender who violates this provision is guilty of a Class 4  
28 felony.

29 (1) (Blank; or)

30 (2) (Blank.)

31 (b-5) It is unlawful for a child sex offender to knowingly  
32 reside within 500 feet of a school building or the real  
33 property comprising any school that persons under the age of 18  
34 attend. Nothing in this subsection (b-5) prohibits a child sex

1 offender from residing within 500 feet of a school building or  
2 the real property comprising any school that persons under 18  
3 attend if the property is owned by the child sex offender and  
4 was purchased before the effective date of this amendatory Act  
5 of the 91st General Assembly.

6 (b-10) It is unlawful for an employer of a child sex  
7 offender that has business on school property, who knows the  
8 person is a child sex offender, to fail to inform school  
9 officials in writing of the sex offender's presence or expected  
10 presence on the school property. Notification includes the  
11 nature of the sex offender's visit and the hours in which the  
12 sex offender is expected to be present in the school or on  
13 school property.

14 (b-15) Nothing in this Section shall require a school  
15 district to allow convicted sex offenders to be present in the  
16 school or on school property.

17 (c) Definitions. In this Section:

18 (1) "Child sex offender" means any person who:

19 (i) has been charged under Illinois law, or any  
20 substantially similar federal law or law of another  
21 state, with a sex offense set forth in paragraph (2) of  
22 this subsection (c) or the attempt to commit an  
23 included sex offense, and:

24 (A) is convicted of such offense or an attempt  
25 to commit such offense; or

26 (B) is found not guilty by reason of insanity  
27 of such offense or an attempt to commit such  
28 offense; or

29 (C) is found not guilty by reason of insanity  
30 pursuant to subsection (c) of Section 104-25 of the  
31 Code of Criminal Procedure of 1963 of such offense  
32 or an attempt to commit such offense; or

33 (D) is the subject of a finding not resulting  
34 in an acquittal at a hearing conducted pursuant to

1 subsection (a) of Section 104-25 of the Code of  
2 Criminal Procedure of 1963 for the alleged  
3 commission or attempted commission of such  
4 offense; or

5 (E) is found not guilty by reason of insanity  
6 following a hearing conducted pursuant to a  
7 federal law or the law of another state  
8 substantially similar to subsection (c) of Section  
9 104-25 of the Code of Criminal Procedure of 1963 of  
10 such offense or of the attempted commission of such  
11 offense; or

12 (F) is the subject of a finding not resulting  
13 in an acquittal at a hearing conducted pursuant to  
14 a federal law or the law of another state  
15 substantially similar to subsection (a) of Section  
16 104-25 of the Code of Criminal Procedure of 1963  
17 for the alleged violation or attempted commission  
18 of such offense; or

19 (ii) is certified as a sexually dangerous person  
20 pursuant to the Illinois Sexually Dangerous Persons  
21 Act, or any substantially similar federal law or the  
22 law of another state, when any conduct giving rise to  
23 such certification is committed or attempted against a  
24 person less than 18 years of age; or

25 (iii) is subject to the provisions of Section 2 of  
26 the Interstate Agreements on Sexually Dangerous  
27 Persons Act.

28 Convictions that result from or are connected with the  
29 same act, or result from offenses committed at the same  
30 time, shall be counted for the purpose of this Section as  
31 one conviction. Any conviction set aside pursuant to law is  
32 not a conviction for purposes of this Section.

33 (2) Except as otherwise provided in paragraph (2.5),  
34 "sex offense" means:

1 (i) A violation of any of the following Sections of  
2 the Criminal Code of 1961: 10-7 (aiding and abetting  
3 child abduction under Section 10-5(b)(10)),  
4 10-5(b)(10) (child luring), 11-6 (indecent  
5 solicitation of a child), 11-6.5 (indecent  
6 solicitation of an adult), 11-9 (public indecency when  
7 committed in a school, on the real property comprising  
8 a school, or on a conveyance, owned, leased, or  
9 contracted by a school to transport students to or from  
10 school or a school related activity), 11-9.1 (sexual  
11 exploitation of a child), 11-15.1 (soliciting for a  
12 juvenile prostitute), 11-17.1 (keeping a place of  
13 juvenile prostitution), 11-18.1 (patronizing a  
14 juvenile prostitute), 11-19.1 (juvenile pimping),  
15 11-19.2 (exploitation of a child), 11-20.1 (child  
16 pornography), 11-21 (harmful material), 12-14.1  
17 (predatory criminal sexual assault of a child), 12-33  
18 (ritualized abuse of a child), 11-20 (obscenity) (when  
19 that offense was committed in any school, on real  
20 property comprising any school, in any conveyance  
21 owned, leased, or contracted by a school to transport  
22 students to or from school or a school related  
23 activity). An attempt to commit any of these offenses.

24 (ii) A violation of any of the following Sections  
25 of the Criminal Code of 1961, when the victim is a  
26 person under 18 years of age: 12-13 (criminal sexual  
27 assault), 12-14 (aggravated criminal sexual assault),  
28 12-15 (criminal sexual abuse), 12-16 (aggravated  
29 criminal sexual abuse). An attempt to commit any of  
30 these offenses.

31 (iii) A violation of any of the following Sections  
32 of the Criminal Code of 1961, when the victim is a  
33 person under 18 years of age and the defendant is not a  
34 parent of the victim:

1           10-1 (kidnapping),  
2           10-2 (aggravated kidnapping),  
3           10-3 (unlawful restraint),  
4           10-3.1 (aggravated unlawful restraint).

5           An attempt to commit any of these offenses.

6           (iv) A violation of any former law of this State  
7           substantially equivalent to any offense listed in  
8           clause (2)(i) of subsection (c) of this Section.

9           (2.5) For the purposes of subsection (b-5) only, a sex  
10          offense means:

11           (i) A violation of any of the following Sections of  
12          the Criminal Code of 1961:

13                   10-5(b)(10) (child luring), 10-7 (aiding and  
14                   abetting child abduction under Section  
15                   10-5(b)(10)), 11-6 (indecent solicitation of a  
16                   child), 11-6.5 (indecent solicitation of an  
17                   adult), 11-15.1 (soliciting for a juvenile  
18                   prostitute), 11-17.1 (keeping a place of juvenile  
19                   prostitution), 11-18.1 (patronizing a juvenile  
20                   prostitute), 11-19.1 (juvenile pimping), 11-19.2  
21                   (exploitation of a child), 11-20.1 (child  
22                   pornography), 12-14.1 (predatory criminal sexual  
23                   assault of a child), or 12-33 (ritualized abuse of  
24                   a child). An attempt to commit any of these  
25                   offenses.

26           (ii) A violation of any of the following Sections  
27          of the Criminal Code of 1961, when the victim is a  
28          person under 18 years of age: 12-13 (criminal sexual  
29          assault), 12-14 (aggravated criminal sexual assault),  
30          12-16 (aggravated criminal sexual abuse), and  
31          subsection (a) of Section 12-15 (criminal sexual  
32          abuse). An attempt to commit any of these offenses.

33           (iii) A violation of any of the following Sections  
34          of the Criminal Code of 1961, when the victim is a

1 person under 18 years of age and the defendant is not a  
2 parent of the victim:

3 10-1 (kidnapping),

4 10-2 (aggravated kidnapping),

5 10-3 (unlawful restraint),

6 10-3.1 (aggravated unlawful restraint).

7 An attempt to commit any of these offenses.

8 (iv) A violation of any former law of this State  
9 substantially equivalent to any offense listed in this  
10 paragraph (2.5) of this subsection.

11 (3) A conviction for an offense of federal law or the  
12 law of another state that is substantially equivalent to  
13 any offense listed in paragraph (2) of subsection (c) of  
14 this Section shall constitute a conviction for the purpose  
15 of this Article. A finding or adjudication as a sexually  
16 dangerous person under any federal law or law of another  
17 state that is substantially equivalent to the Sexually  
18 Dangerous Persons Act shall constitute an adjudication for  
19 the purposes of this Section.

20 (4) "School" means a public or private pre-school,  
21 elementary, or secondary school.

22 (5) "Loiter" means:

23 (i) Standing, sitting idly, whether or not the  
24 person is in a vehicle or remaining in or around school  
25 property.

26 (ii) Standing, sitting idly, whether or not the  
27 person is in a vehicle or remaining in or around school  
28 property, for the purpose of committing or attempting  
29 to commit a sex offense.

30 (6) "School official" means the principal, a teacher,  
31 or any other certified employee of the school, the  
32 superintendent of schools or a member of the school board.

33 (d) Sentence. A person who violates this Section is guilty  
34 of a Class 4 felony.

1 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;  
2 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)".